

# Michael Faillace & Associates, P.C.

Employment and Litigation Attorneys

60 E. 42<sup>nd</sup> Street, Suite 2020  
New York, New York 10165

Telephone: (212) 317-1200  
Facsimile: (212) 317-1620

cerrington@faillacelaw.com

September 21, 2020

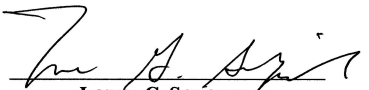
**VIA ECF**

Honorable Lorna G. Schofield.  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Application GRANTED in part. The initial pretrial conference scheduled for September 24, 2020, is **adjourned to October 22, 2020, at 10:50 a.m.** The parties' joint conference materials are due at least seven days prior to the conference, or by October 15, 2020.

Dated: September 22, 2020  
New York, New York

Re: Mendoza et al v. Kidz Korner of New Rochelle et al.  
No. 20-cv-5761



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Your Honor,

This firm represents the Plaintiff in the above-referenced matter and writes in response to the Court's order of September 18, 2020 in order to advise the Court that Plaintiff is not in communication with any Defendant.

I am further writing to advise the Court of newly received information regarding service on Individual Defendant Ivy Rentz. Over the weekend, my office received the attached affidavit of non-service upon Ms. Rentz. As such, Plaintiff cannot file for default as to Ms. Rentz until service is successful and she has failed to appear.

Plaintiff thus respectfully requests a longer adjournment of the Initial Conference than contemplated in Your Honor's Order of September 18. Pursuant to Fed. R. Civ. P. 4(m), Plaintiff has until October 22, 2020 to serve Defendant Rentz. In order to conserve judicial and party resources, Plaintiff thus requests that the Initial Conference currently scheduled for September 24, 2020 be adjourned for 60 days in order to allow time for Ms. Rentz to be served and either appear to fail to appear. Should Ms. Rentz fail to appear, Plaintiff proposes to file default judgment papers against all three Defendants on or before November 12, 2020.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/Clela Errington  
Clela A. Errington, Esq.  
MICHAEL FAILLACE & ASSOCIATES, P.C.  
Attorneys for the Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

1164175 - GP

**Plaintiff / Petitioner:**

ERICA MENDOZA, INDIVIDUALLY AND ON BEHALF OF OTHERS  
SIMILARLY SITUATED

**Defendant / Respondent:**

KIDZ KORNER OF NEW ROCHELLE INC., ET AL

State of New York County of Dutchess ss.:

**AFFIDAVIT OF NON-SERVICE**

Index No:  
20-CV-05761  
Date Filed:

The undersigned being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides in New York State. That deponent attempted to serve the within SUMMONS IN A CIVIL ACTION AND COMPLAINT, NOTICE OF INTENTION TO ENFORCE SHAREHOLDER LIABILITY FOR SERVICES RENDERED upon IVY RENTZ.

**Comments:**

1) Unsuccessful Attempt: Sep 8, 2020, 3:20 pm EDT at C/O KIDZ KORNER: 555 DAVENPORT AVE, NEW ROCHELLE, NY 10805  
BAD ADDRESS: I found the building to be mostly empty, the parking lot was also empty and the entrance and exit to the parking lot were roped off. There was no signage or contact information. I performed an online search for this business address and found this location to be permanently closed.



Sean Mahar-Daniels

Sworn to before me on

9/10/2020



Notary Public



DocId #1164175